



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE April 1, 2005 EFFECTIVE DATE April 15, 2005	CONTACT/PHONE Inge Lundegaard 805-781-5136	APPLICANT Beckett, Doug & Nancy	FILE NO. DRC2004-00007
SUBJECT Request by Doug and Nancy Beckett, of Peachy Canyon Winery, for a Minor Use Permit to allow for a tasting room and special events that would be located in an existing 1,200 square foot building previously permitted and operated as a tasting room. The request also includes a wavier of the required property line setbacks and distance from winery for the tasting room. The project will include new landscaping but not result in any additional site disturbance. The proposed project is within the Agriculture land use category and is located at 2025 Nacimiento Lake Drive, Paso Robles. The site is in the Adelaida planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2004-00007 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A Class one (1) Categorical Exemption (ED# 04-403) was issued on March 8, 2005			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 026-241-014	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: <i>Does the project meet applicable Planning Area Standards: Not applicable</i>			
LAND USE ORDINANCE STANDARDS: 22.18- <i>Parking & Loading,</i> 22.30.070 – <i>Agricultural Processing Uses</i> 22.30.610 – <i>Temporary Events</i> <i>Does the project conform to the Land Use Ordinance Standards: - see discussion</i>			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on April 16, 2005, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
EXISTING USES: Winery, Agricultural Accessory Structures, Residence			
SURROUNDING LAND USE CATEGORIES AND USES: North: Agriculture/residential East: Agriculture/residential & agricultural South: Agriculture/agriculture West: Agriculture/agriculture			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ Fax: (805) 781-1242			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: City of Paso Robles, Public Works, Environmental Health, Ag Commissioner, CDF, Heritage Ranch Community Services District, RWQCB	
TOPOGRAPHY: Level to gently rolling	VEGETATION: Vineyard, grasses
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF	ACCEPTANCE DATE: December 6, 2004

DISCUSSION

PROJECT HISTORY

The proposed tasting room is located on Mustard Creek Road at the intersection of Mustard Creek and Nacimiento Lake Roads northwest of the city of Paso Robles. The proposed tasting room will be located in an existing building (see attached photos), which was previously developed and operated as a tasting room by Twin Hills Winery (D84023:1). The Twin Hills project, as approved, waived the required minimum property line setbacks.

LAND USE ORDINANCE STANDARDS:

As proposed the project does not conform to all standards required in §22.30.070 – Agricultural Processing Uses. The applicant is requesting a waiver of the required setbacks, as stated in §22.30.070 D 2.d (1) that the tasting room be located “200 feet from each property line and no closer than 400 feet to any existing residence outside the ownership of the applicant”. The applicant is also requesting waiver of the required tasting room location, as stated in §22.30.070 D.2.h.(2), that “the tasting room shall be located within or no more than 200 feet from the winery facilities”. (See staff comments)

All other standards are met for Agricultural Processing. Also all standards are met for Chapter 22.18 Parking and Loading Standards.

STAFF COMMENTS:

The proposed tasting room setbacks are approximately 70 feet to the east property line and 40 feet to the north property line. Also, existing residences are located approximately 125 and 275 feet from the proposed tasting room facility. Staff recommends waiver of the setback requirements because using the existing wine tasting facility located adjacent to Nacimiento Lake Road enables the applicant to protect existing agricultural resources on the project site and also reduces the overall potential impact of visitors on the site.

The proposed tasting room is located approximately one-third of a mile and across Nacimiento Lake Road from the project's existing winery, which exceeds the 200 foot requirement. Using the existing wine tasting facility located adjacent to Nacimiento Lake Road enables the applicant to protect existing agricultural resources on the project site and also reduces the overall potential impact of visitors on the site.

COMMUNITY ADVISORY GROUP COMMENTS:

AGENCY REVIEW:

Public Works-	Recommend Approval
Environmental Health -	Standard issues
Ag Commissioner-	Recommend Approval
CDF -	Fire Plan dated July 21, 2004
Heritage Ranch CSD-	No Comment

LEGAL LOT STATUS:

The single lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Inge Lundegaard and reviewed by Kami Griffin

EXHIBIT A - FINDINGS

CEQA Exemption

- A. The project qualifies for a Categorical Exemption (Class 1) pursuant to CEQA Guidelines Section 15301 because the proposed project will involve no expansion of the existing use allowed.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the wine tasting room and special events does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the wine tasting room is similar to, and will not conflict with, the surrounding lands and uses which are dominated by agriculture operations that include nearby vineyards, dry-land grain, forage hay, and nut orchards.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Nacimiento Road, an arterial road constructed to a level able to handle any additional traffic associated with the project

Winery Adjustments

- G. The setbacks of approximately 70 feet to the east property line and 40 feet to the north property line is justified because using the existing wine tasting facility located adjacent to Nacimiento Lake Road enables the applicant to protect existing agricultural resources on the project site and also reduces the overall potential impact of visitors on the site
- H. The tasting room located more than 200 feet from the winery facility is justified because there are environmental issues that can be better addressed through the increased distance as follows: the existing wine tasting facility located adjacent to Nacimiento Lake Road enables the applicant to protect existing agricultural resources on the project site and also reduces the overall potential impact of visitors on the site.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes
 - a. a tasting room operating 7 days a week between the hours of 8 am to 6 pm, which is located in an existing building (approximately 1,200 square foot)
 - b. six or less special events of no more than 80 individuals limited to 40 days a year. Amplified music shall only be allowed between 10 am to 5 pm.
 - c. modification of the required property line setbacks for the tasting room as follows: East – approximately 70 feet, North – approximately 40 feet
 - d. modification of the required distance from winery to the tasting room as follows: located more than 200 feet from the winery, in the existing tasting room, located on the north side of Nacimiento Lake Drive at the north east corner of the parcel.
 - e. new landscaping to be installed in accordance with the approved revised plan

Conditions to be completed prior to occupancy or establishment of the use

Site Development

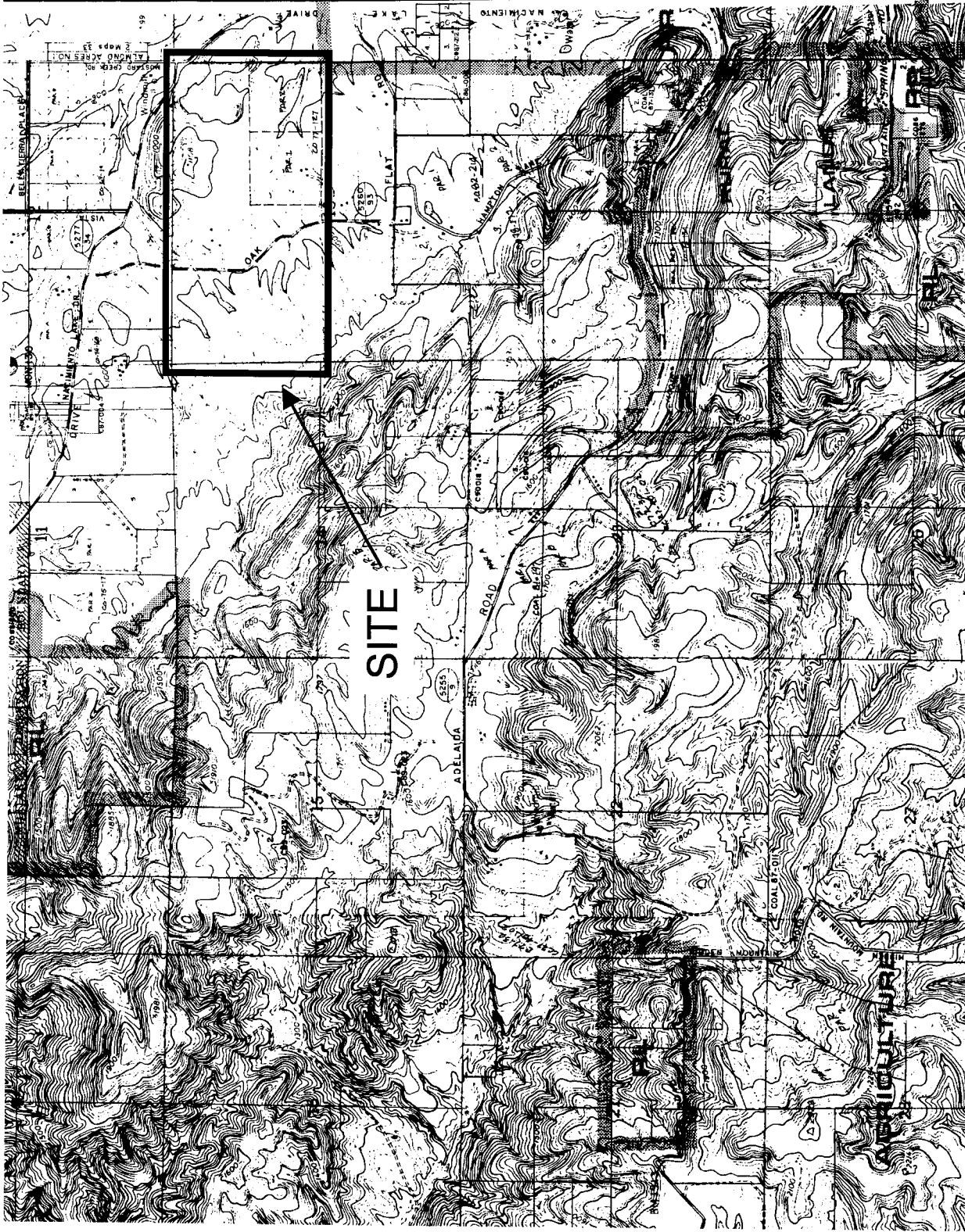
2. **Prior to occupancy or final inspection**, submit a revised ***landscape plan*** to the Department of Planning and Building for review and approval. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:
 - a. Per subsection 22.30.610.D.1 a minimum of two unobstructed access points, each a minimum of 18 feet wide, from the tasting room to a publicly maintained road.
3. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before establishment of the use. If bonded for, landscaping shall be installed within 60 days of occupancy or establishment of the use. All landscaping shall be maintained in a viable condition in perpetuity.

Fire Safety

4. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated July 21, 2004. (See attached)
5. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going conditions of approval (valid for the life of the project)

6. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
7. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.



PROJECT

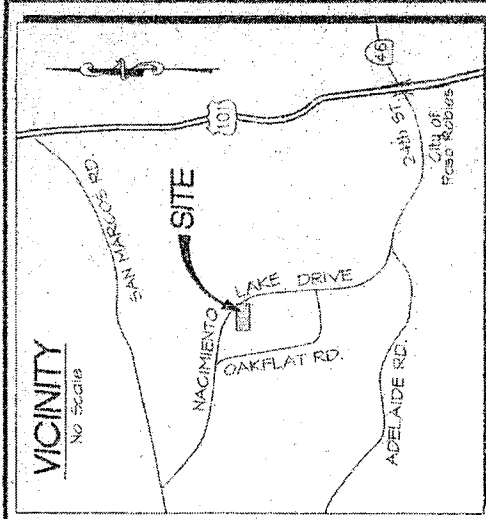
Minor Use Permit
Beckett / DRC2004-00007

EXHIBIT

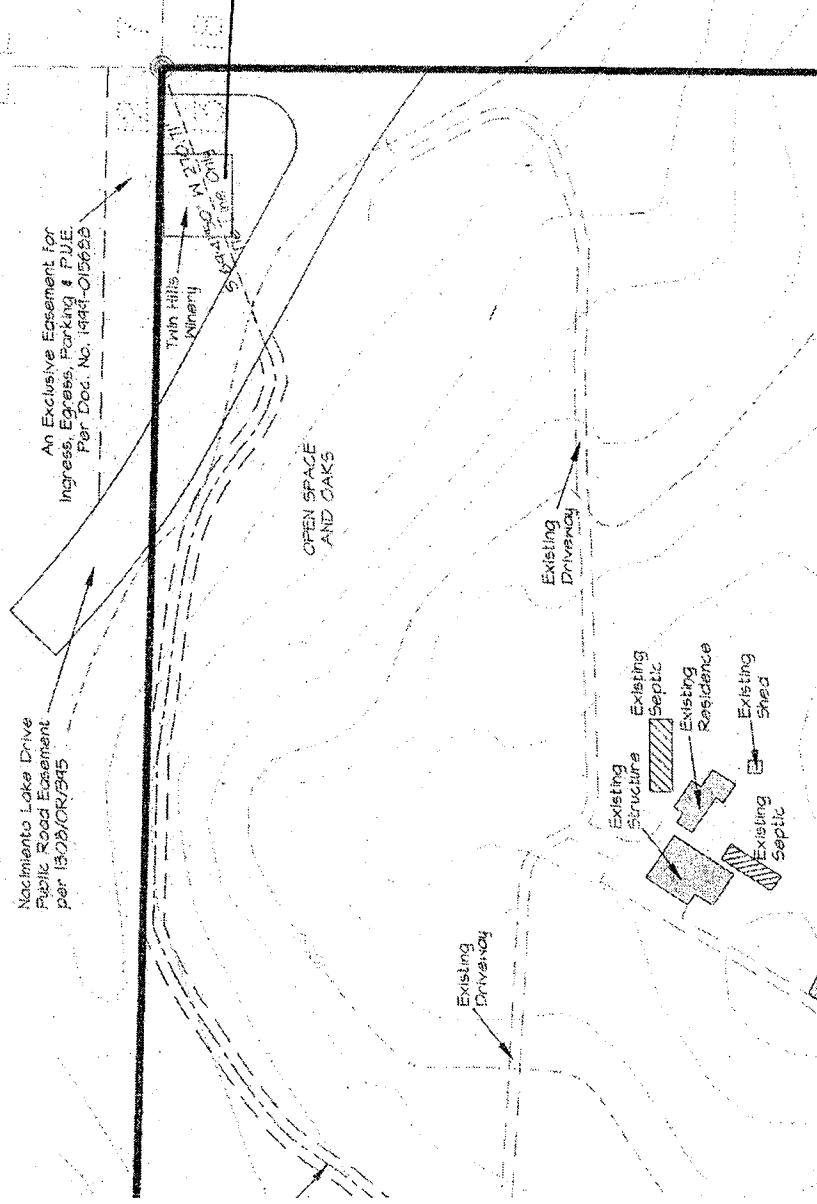
Land Use Category Map







Tasting Room
to be re-opened



PROJECT

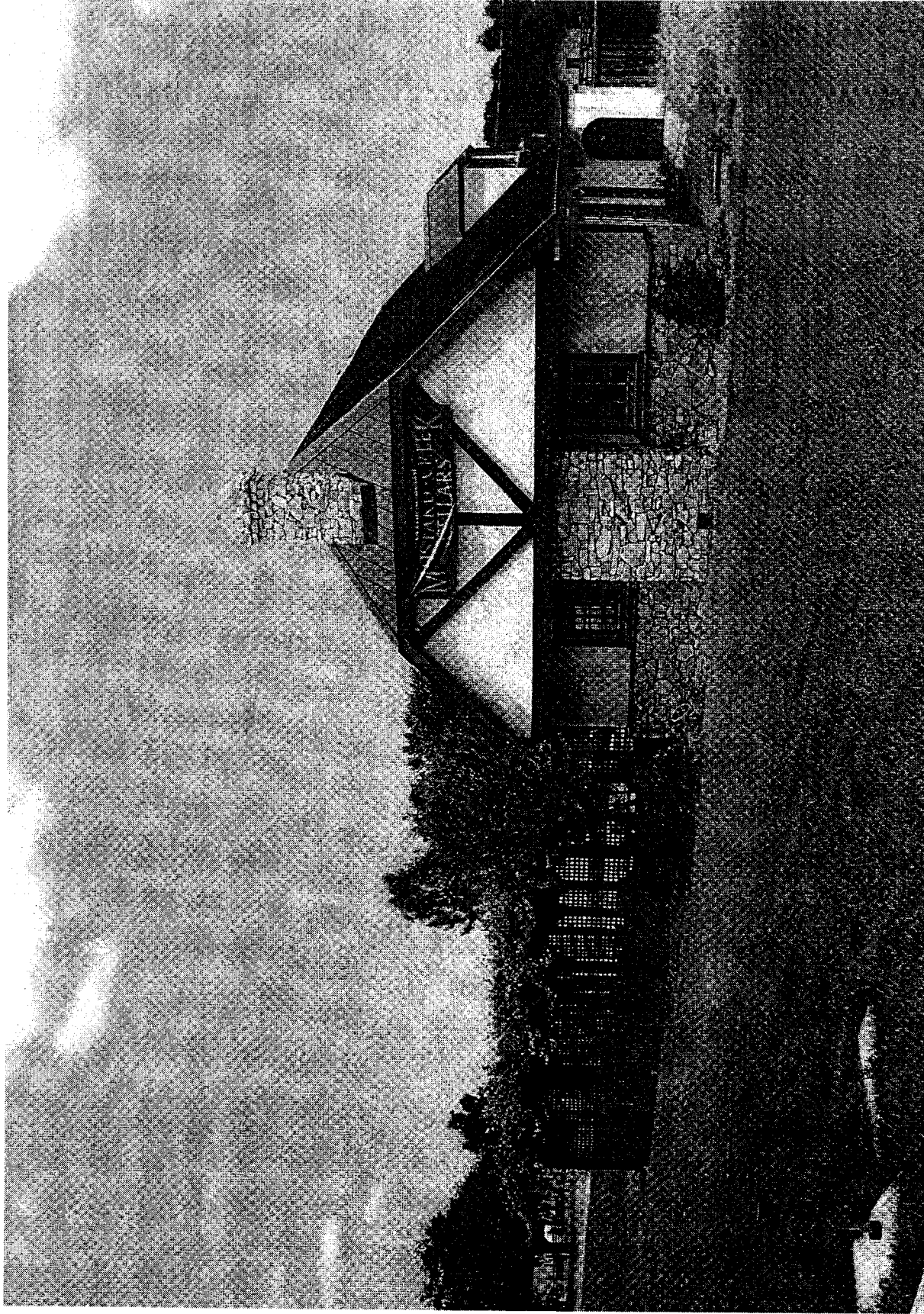
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EXHIBIT

Site Plan - Tasting Room Close-up







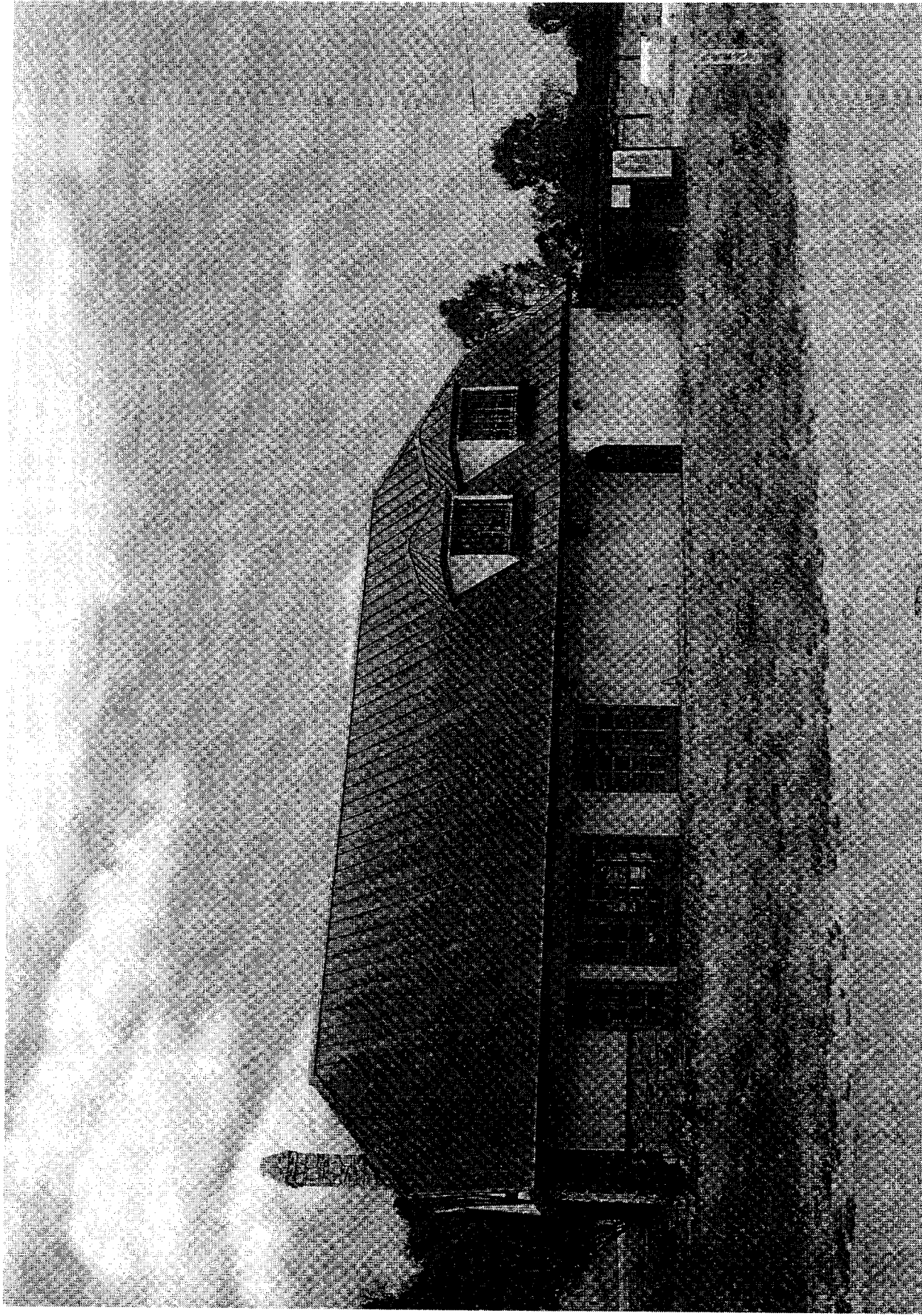
PROJECT

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EXHIBIT

South Elevation





PROJECT

Minor Use Permit
Beckett / DRC2004-00007



EXHIBIT

East Elevation



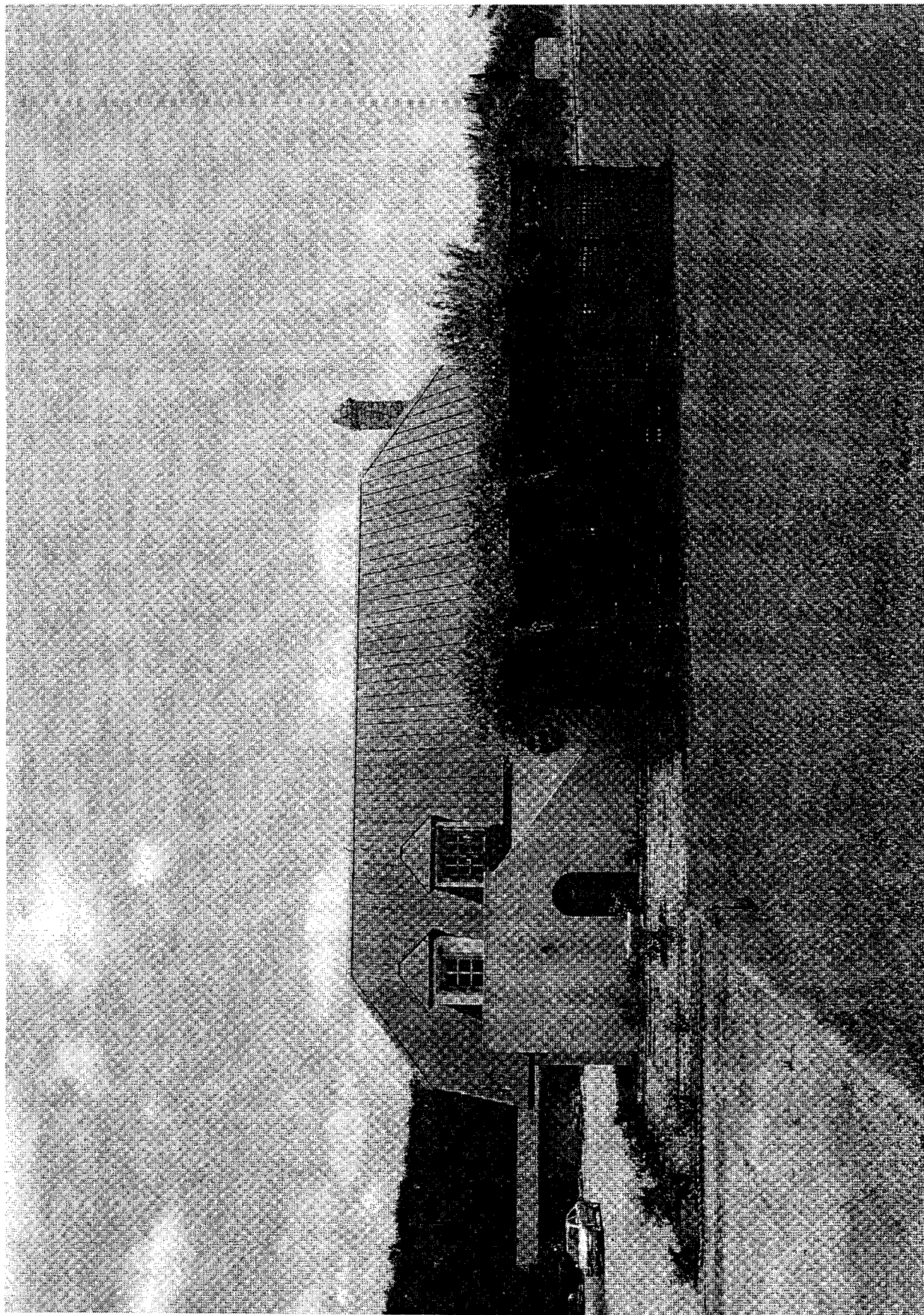
PROJECT

Minor Use Permit
Beckett / DRC2004-00007

EXHIBIT

North Elevation





PROJECT

Minor Use Permit
Beckett / DRC2004-00007

EXHIBIT

West Elevation

